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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEWSTAR CHEMICALS (M) SDN
BHD., a Malaysian private limited
company, NEWSTAR HOLDINGS PTE
LTD., a Singaporean private limited
company, and RANDALL HART

Plaintiffs,

v.

MEGOLA, INC., a Nevada Corporation,
JOEL GARDNER, and DOES 1 through
500,

Defendants.

ECF Case

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/20/11

11 Civ. 3101 (PKC/RLE)

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRAINING ORDER**

Upon the declarations of Randall Hart, Stephen Conboy and Maxim H. Waldbaum, Esq., and the exhibits annexed thereto, and upon the accompanying Memorandum of Law, it is hereby

ORDERED that Defendants Megola, Inc. and Joel Gardner, show cause before the Honorable P. Kevin Castel, U.S.D.J., at Room 12C, United States

Courthouse, 500 Pearl Street, in the City, County, and State of New York, on Thursday May

26, 2011, at 11 o'clock A.m., or as soon thereafter as counsel may be heard, why an

order, in the form attached hereto, should not be entered enjoining Defendants during the pendency of this action from: (1) asserting – in communications with Plaintiffs' customers, through press releases, or through any other means – that Defendants are authorized to manufacture or distribute Hartindo AF21; (2) exercising or claiming

ownership of any trademark rights in the "Hartindo AF21," "Hartindo Anti-Fire 21," "Anti-Fire 21," "AF21" or "Hartindo Anti-Fire" marks; and it is further

ORDERED that, sufficient reason having been shown therefore, including Plaintiffs' showing that they will likely suffer irreparable harm in the absence of temporary restraints, and Plaintiffs' showing of a likelihood of success on their assertions that Defendants lack manufacturing, distribution or trademark rights with respect to Hartindo AF21, pending the hearing of Plaintiffs' application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the Defendants are temporarily restrained and enjoined from: (1) asserting – in communications with Plaintiffs' customers, through press releases, or through any other means – that Defendants are authorized to manufacture or distribute Hartindo AF21; (2) exercising or claiming ownership of any trademark rights in the "Hartindo AF21," "Hartindo Anti-Fire 21," "Anti-Fire 21," "AF21" or "Hartindo Anti-Fire" marks; and it is further

ORDERED that Plaintiffs are not required to post a bond or other security; and it is further

ORDERED that answering papers, if any, must be served on Plaintiffs' counsel,

Maxim H. Waldbaum, Schiff Hardin LLP, 666 Fifth Avenue, 17th Floor, New York,

New York 10022, by overnight mail on or before May 25, 2011, ^{by noon;} and it is

further

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com to
Judge Castel
Chambers

if they wanted a MO

Although counsel were told they had to appear and they had to notify opponents, Counsel have not appeared, but have sent a non-appearing. ~~Therefore~~ No MO is being entered – the paper showing is not sufficient and no counsel are here to address the court.

ORDERED that a copy of this Order and the papers submitted by Plaintiffs in connection therewith shall be served on Defendants by overnight mail on or before

_____, 2011.

Defendant Megala is advised that, as a corporation, it MUST appear through counsel and CANNOT appear by an officer or "pro se". *Callie H. H.*
Failure to appear by counsel will constitute a default.

Hon.
United States District Judge

Dated: New York, New York

Issued: 5/20/2011

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